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June 2, 2010

Honorable George B. Daniels
United State District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street – Room 630
New York, NY 10007

**Re: *In re Terrorist Attacks on Sept. 11, 2001, 03 MDL 1570*
*Havlish, et al. v. bin Laden, et al., 1:03-cv-9848***

Dear Judge Daniels:

At the last status conference on April 15, 2010, Thomas E. Mellon, Jr., Esquire, on behalf of the *Havlish* Plaintiffs, discussed with Your Honor two issues of particular interest to the *Havlish* Plaintiffs. First, Mr. Mellon discussed the *Havlish* Plaintiffs' pending Motion for Leave to File Amended Complaint which was filed on March 1, 2010 (Docket Document 2228). Second, Mr. Mellon discussed whether the *Havlish* Plaintiffs must file their Motion for Entry of Default Judgment and supporting evidence under seal as requested by Mr. Kreindler at a previous status conference.

With respect to the Motion for Leave to File Amended Complaint, Your Honor instructed Mr. Mellon as follows:

I understand your position. The one additional thing that I would ask you to do, though, is with regard to the amended complaint, I would ask you to share that with plaintiffs committee first. . . Share that with them first before you do and once at least you consulted on that, you don't have to agree on that, after I know you have consulted them then you can submit it to me.

April 15, 2010 Status Conference Transcript P. 19, L. 8 – 11, P. 19, L. 24 – P. 20, L. 2. On April 26, 2010, the undersigned counsel sent an email to all counsel in the MDL with a copy of the *Havlish* Plaintiffs' proposed Third Amended Complaint. That email concluded with the following request: "If any counsel has an objection, please advise in writing immediately." More than one month has passed since that email and the draft Third Amended Complaint were circulated and there has been no objection from any other party. In fact, at the April 15, 2010 status conference, Mr. Kreindler informed the Court: "First of all, the plaintiffs committee has no





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objection to Mr. Mellon filing an amendment to his complaint.” April 15, 2010 Status Conference Transcript P. 17, L. 1 – 2. Having received no objection or suggestion regarding the Third Amended Complaint, the *Havlish* Plaintiffs request that Your Honor grant their Motion for Leave to File Amended Complaint. For the Court’s convenience, and for the convenience of all parties, another copy of the proposed Third Amended Complaint is attached hereto as Exhibit A.

With respect to whether the *Havlish* Plaintiffs must file their Motion for Entry of Default Judgment and supporting evidence under seal, this issue has not been fully discussed with all of the members of the Plaintiffs’ Executive Committee. The *Havlish* Plaintiffs are hopeful that the issue will be fully discussed before the deadline of June 14, 2010 set by the Court at the April 15, 2010 status conference. In any event, the *Havlish* Plaintiffs intend to provide the Court with another update letter on this issue on or before June 14, 2010.

This letter is being filed through the ECF system and service upon every party is being made through the ECF system.

Very truly yours,


SAC:ss
Enclosure

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/s/ Stephen A. Corr
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cc: All Counsel (via ECF)